

A091 (Rev. 8/01) Criminal Complaint

United States Courts
Southern District of Texas
FILED

APR 28 2018

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Jesus LUCIO

CRIMINAL COMPLAINT

Case Number: 2:18mj5 43-1

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 4/27/2018 in Brooks County, in the (Date)

Southern District of Texas, the defendant(s)

Jesus LUCIO

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

See Attached Affidavit of HSI Special Agent **Chadwick O'kelley**

Continued on the attached sheet and made a part of this complaint:

Yes No


Signature of Complainant

Chadwick O'kelley
Printed Name of Complainant

Submitted by reliable electronics means, sworn to,
signature attested telephonically per Fed R. Crim.P. 4.1,
and probable cause found:

April 28, 2018

Date

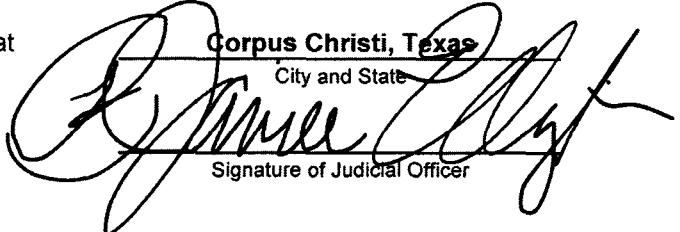
B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer



AFFIDAVIT

On April 27, 2018, at approximately 12:06 AM, Border Patrol Agent (BPA) Irving Garcia was working the primary inspection lane at the U.S. Border Patrol (USBP) Checkpoint located on Highway 281 near Falfurrias, Texas when he observed a 2005 White Volvo tractor, displaying Texas license plate number R345091 arrive for inspection. While BPA Garcia was talking with the driver, later identified as Jesus LUCIO, BPA Jose Flores and his service canine, Rex, conducted a non-intrusive canine sniff of the exterior of the trailer. BPA Flores then notified BPA Jesus Contreras that his canine was alerting and indicating to an odor that he was trained to detect. BPA Garcia then asked Jesus LUCIO for consent to park in the secondary area for further inspection of the tractor-trailer, at which time he agreed.

During the secondary inspection, BPA Garcia asked Jesus LUCIO if he knew anything about the truck and load, to which he replied "No". Jesus LUCIO was then asked if he had a key for the cargo lock, to which he stated that he did not know. BPA Garcia then noticed a lock key on the keychain in the cab of the tractor and decided to check to see if it would open the lock. Once the lock was removed, Supervisory BPA Brandon S. Perryman advised that he discovered seventeen (17) individuals that he determined to be undocumented aliens in the trailer.

Jesus LUCIO was subsequently placed under arrest. Additionally, a photo of the trailer temperature reading was taken and revealed that it was approximately fifty-five (55) degrees Fahrenheit.

Homeland Security Investigations (HSI) Special Agent (SA) Chadwick O'Kelley was notified of the encounter and HSI agents responded to the USBP Station in Falfurrias, Texas.

HSI SA Agustin Olivarez, O'Kelley and BPA Intel Robert Martinez interviewed Jesus LUCIO at the Falfurrias Border Patrol Station. SA O'Kelley read Jesus LUCIO his Miranda Warnings and LUCIO stated that he understood his rights and voluntarily agreed to provide a statement without an attorney present.

Jesus LUCIO made the following statement:

Approximately one (1) to three (3) weeks ago, LUCIO met a man that he knows as "Jota Jota", who asked if he wanted to drive tractor-trailers for him. LUCIO initially told him that he had a job, but would consider it. On April 26, 2018, "Jota Jota" contacted LUCIO and asked him if he wanted to drive a load of mixed produce to Houston because his other driver was unable to. "Jota Jota" offered LUCIO \$600.00 to drive the load to Houston, and LUCIO agreed. "Jota Jota" then drove LUCIO to Academy Sports and Outdoors in Edinburg, Texas, where "Jota Jota" met with another individual in the parking lot. Additionally, "Jota Jota" showed LUCIO a tractor-trailer which was parked on the side of Academy Sports. An unknown driver of the tractor-trailer left the parking

lot. "Jota Jota" and LUCIO then drove to a drive-thru store in the Mission, Texas area and purchased cigarettes before arriving at an unknown residence where "Jota Jota" met with an unknown male. A short time later, "Jota Jota" and LUCIO left the residence and proceeded to a "ranch". At the "ranch", LUCIO observed the same tractor-trailer that he had previously observed at Academy Sports. LUCIO walked around the tractor-trailer to inspect the lights, and he noticed a padlock on the trailer doors. LUCIO then drove the tractor-trailer to the Loves Travel Stop in Edinberg, Texas, where he purchased beer and miscellaneous items. LUCIO drank his beer and remained at Loves for approximately twenty (20) minutes. LUCIO then drove to the U.S. Border Patrol (USBP) Checkpoint located on Highway 281 near Falfurrias, Texas, where he was arrested.

Jesus LUCIO made several inconsistent statements, and statements that he later admitted lying about during the interview. LUCIO initially stated that he drove from Academy Sports and Outdoors, where he picked up the tractor-trailer before driving to the Loves Travel Stop. However, LUCIO later admitted that someone else drove from Academy Sports and Outdoors to the "ranch. Additionally, LUCIO stated that "Jota Jota" put a gun to his head prior to their arrival at the "ranch", but later said that "Jota Jota" pointed it at him at the "ranch".

Jesus LUCIO also stated that "Jota Jota" called him multiple times while he was at the Loves Travel Stop. LUCIO stated that he began to think that there might possibly be drugs in the trailer, but never expected illegal aliens.

STATEMENT OF MATERIAL WITNESS William Heriberto MENENDEZ-Zelada:

MENENDEZ stated he is a citizen of El Salvador, unlawfully present in the United States. MENENDEZ said he was dropped off at the tractor-trailer at a ranch, and that it was dark so he couldn't see anyone. The doors to the trailer were open, and someone told him to get into the trailer. MENENDEZ advised that the truck and trailer were "on", and that he was in the trailer for approximately five (5) to ten (10) minutes before the last person entered and the doors shut. Additionally, MENENDEZ stated that once he felt the tractor-trailer travelling, he was in the trailer for approximately ten (10) minutes before the tractor-trailer stopped for approximately five (5) to ten (10) minutes. MENENDEZ stated that the next stop was when they were encountered by Border Patrol.

STATEMENT OF MATERIAL WITNESS Pablo SACALXOT-Velasquez:

SACALXOT stated he is a citizen of Guatemala, unlawfully present in the United States. SACALXOT said he was dropped off at the tractor-trailer at a ranch, and that it was dark so he couldn't see anyone. The doors to the trailer were open, and someone told him to get into the trailer. SACALXOT said he was in the trailer for approximately five (5) to ten (10) minutes before the last person entered and the doors shut. SACALXOT stated that the next stop was when they were encountered by Border Patrol.

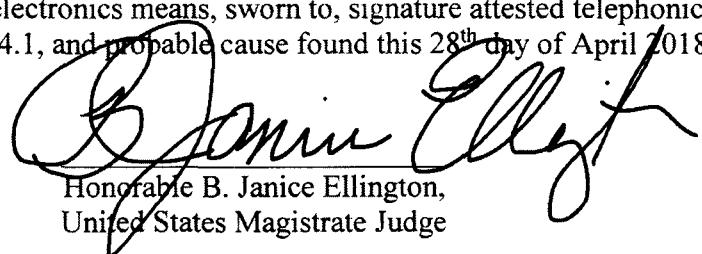
Assistant United States Attorney Julie Hampton accepted the case for prosecution of Jesus LUCIO for violation of Title 8 United States Code, Section 1324, Transportation of Undocumented Aliens.

All undocumented aliens were interviewed and no exculpatory information was found.



Chadwick O'Kelley, Special Agent
Homeland Security Investigations

Submitted by reliable electronics means, sworn to, signature attested telephonically per
Fed R. Crim. P. 4.1, and probable cause found this 28th day of April 2018.



Honorable B. Janice Ellington,
United States Magistrate Judge